

13

MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

Kaylin Eric Johnson

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

Special agent Nicholas Daly-DEA

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case:2:23-cv-11045

Judge: Michelson, Laurie J.

MJ: Ivy, Curtis

Filed: 05-03-2023 At 06:20 PM

CMP JOHNSON V. DALY (DA)

Jury Trial: ☒ Yes ☐ No
(check one)

Complaint for a Civil Case

POOR QUALITY ORIGINAL

MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Kaylin Johnson</u>
Street Address	<u>255 W. Main St</u>
City and County	<u>Harrison and Clare</u>
State and Zip Code	<u>Michigan and 48625</u>
Telephone Number	<u></u>
E-mail Address	<u></u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Nicholas Duly</u>
Job or Title (if known)	<u>Special agent - DEA</u>
Street Address	<u>432 N. Saginaw St</u>
City and County	<u>Flint and Genesee</u>
State and Zip Code	<u>Michigan and 48502</u>
Telephone Number	<u>810-768-7600</u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name	<u></u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

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Defendant No. 3

Name

Job or Title

(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address
(if known)

Defendant No. 4

Name

Job or Title

(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address
(if known)**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

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A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 USCS § 1983

USCS. Const. Amend. 14

USCS. Const. Amend. 5

Fed. R. Civ. P. R8

5 USCS § 702

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____,
is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____,
is incorporated under the laws of the State of (name) _____,
and has its principal place of business in the
State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the
State of (name) _____. Or is a citizen of (foreign
nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated
under the laws of the State of (name) _____, and
has its principal place of business in the State of (name) _____.
Or is incorporated under the laws of
(foreign nation) _____, and has its principal place
of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Defendant has deprived plaintiff his right by making an unlawful proceeding in a criminal complaint by committing Judicial Estoppel and this has lead to plaintiff being incarcerated and charged in the United states of America . Case No. 4:22-cr-20280-1. Deprivation was committed by defendant Special agent Nicholas Daly -DEA acting under color of State law. Thru Officers official Capacity in the action has violated the constitution.

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IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

50 million in punitive damages
plaintiff is still being held in custody at clare county
Jail for this matter. Plaintiff ask's court to
release for lack of Subject matter.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4/23/, 2023.

Signature of Plaintiff

Printed Name of Plaintiff

Kaydin Johnson
Kaydin Johnson

MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

Additional Information:

Prima facie of evidence attached with Submission
of arising from state litigation and competent
agency final decision. Evidence has been withheld
from criminal complaint to establish indictment.



Office of Genesee County Sheriff

Date 5/12/22 Time 11:12 AM/PM Place Genesee County Sheriff Office
 Name Kaylin Eric Johnson DOB 12/19/94
 Address 1114 E Ridgeway Ave, Flint
 City Flint State MI ZIP 48805
 Telephone 810-542-4305 Social Security [REDACTED] 9414
 Driver's License J- [REDACTED] 962 Sex (M) F Race Black
 Height 6'3" Weight 230 lbs Hair Black Eyes Brown
 Education _____ Read & Write yes
 Under Influence of Drugs NO Under Influence of Alcohol NO
 MISC _____

Advice of Rights

- You have the right to remain silent.
- Anything you say can and will be used against you in court.
- You have the right to talk with a lawyer for advice before we ask you any questions and to have a lawyer with you during questioning.
- If you cannot afford a lawyer, one will be provided for you before any questioning if you wish.
- If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Waiver of Rights

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. No promises, threats, pressure or coercion has been used against me.

Signed: Kaylin Johnson
 Witness: [Signature] #979 - GCSO
 Witness: [Signature] - D.M. Only

GCSO - GENESEE COUNTY
SHERIFFS OFFICE
Case Report

Case No. 2212501438
Case Status Active
Report Date/Time: 5/11/2022 7:56:38 PM
Reporting Officer: Bennett, David

FILE CLASS/OFFENSE:

35001 - Ecstasy - Deliver
52001 - Concealed Weapons - Carrying Concealed

NATURE OF INCIDENT:

52002 / CCW & PWID / JOHNSON / BENNETT / 416

OCCURRED ON: 5/11/2022 5:00:00 PM
(and Between)

VENUE: Patrick St 5th Ave Flint, MI 48503
CITY/TOWNSHIP: 95 - Flint, Genesee

VICTIM:

VICTIM OF: 3556 - 35001 - Ecstasy - Deliver
5202 - 52001 - Concealed Weapons - Carrying Concealed
VICTIM TYPE: Society/Public

RACE:**DOB:****AGE:****HGT:****SEX:****JUV:****EYES:****WGT:****HAIR:****SSN:****ETH:****Circumstances:****ADDRESS INFORMATION:****DLN:****DL State:****Phone Information:****Emails:****NOTES:****ARRESTEE:** Johnson, Kaylin Eric

ARRESTED FOR: 3556 - 35001 - Ecstasy - Deliver
5202 - 52001 - Concealed Weapons - Carrying Concealed
ARREST NO: 0011409
TYPE: On-View Arrest
DATE: 5/11/2022

JUV: N - No**DOB:** 12/19/1994**AGE:** 27**SEX:** Male**RACE:** Black or African American**HGT:** 6' 3"**EYES:** Brown**WGT:** 220**HAIR:** Black**ETH:** O - Other Ethnicity/National
Origin**Circumstances:****SMT:****SSN:** [REDACTED]-9414**DLN:** JS [REDACTED] 962**DL State:** Michigan**ADDRESS INFORMATION:**

H - Home: 406 E Holbrook Ave Flint, MI Genesee US - UNITED STATES

Phone Information:**Emails:****H - Home:** (810) 432-5629**NOTES:****ARRESTEE:** [REDACTED]

ARRESTED FOR: 3556 - 35001 - Ecstasy - Deliver
ARREST NO: 0011410
TYPE: On-View Arrest
DATE: 5/11/2022

JUV: N - No**DOB:** [REDACTED] 1999**AGE:** 22**SEX:** Female**RACE:** Black or African American**HGT:** 5' 7"**EYES:** Brown**WGT:** 152**HAIR:** Black**ETH:** U - Unknown**Circumstances:****SMT:****SSN:****DLN:** P4 [REDACTED] 663**DL State:** Michigan**Case Report****Page 1 of 6**

Reporting Officer: Bennett, David
Case No. 2212501438

Printed: May 12, 2022 - 8:53 AM
0012

GCSO - GENESEE COUNTY**SHERIFFS OFFICE****Case Report**

Case No. 2212501438

Case Status Active

Report Date/Time: 5/11/2022 7:56:38 PM

Reporting Officer: Bennett, David

FILE CLASS/OFFENSE:

35001 - Ecstasy - Deliver

52001 - Concealed Weapons - Carrying Concealed

NATURE OF INCIDENT:

52002 / CCW & PWD / JOHNSON / BENNETT / 416

OCCURRED ON:

5/11/2022 5:00:00 PM

(and Between)

VENUE: Patrick St 5th Ave Flint, MI 48503**CITY/TOWNSHIP:** 95 - Flint, Genesee**VICTIM:**VICTIM OF: 3556 - 35001 - Ecstasy - Deliver
5202 - 52001 - Concealed Weapons - Carrying Concealed
VICTIM TYPE: Society/Public**RACE:****DOB:****AGE:****HGT:****SEX:****JUV:****EYES:****WGT:****HAIR:****SSN:****ETH:****Circumstances:****ADDRESS INFORMATION:****DLN:****DL State:****Phone Information:****Emails:****NOTES:****ARRESTEE:** Johnson, Kaylin EricARRESTED FOR: 3556 - 35001 - Ecstasy - Deliver
5202 - 52001 - Concealed Weapons - Carrying Concealed
ARREST NO: 0011409
TYPE: On-View Arrest
DATE: 5/11/2022**JUV:** N - No**DOB:** 12/19/1994**AGE:** 27**SEX:** Male**RACE:** Black or African American**HGT:** 6' 3"**EYES:** Brown**WGT:** 220**HAIR:** Black**ETH:** O - Other Ethnicity/National
Origin**Circumstances:****SMT:****SSN:** [REDACTED] 9414**DLN:** J5 [REDACTED] 962**DL State:** Michigan**ADDRESS INFORMATION:****H - Home:** 406 E Holbrook Ave Flint, MI Genesee US - UNITED STATES**Phone Information:****Emails:****H - Home:** (810) 432-5629**NOTES:****ARRESTEE:** [REDACTED]ARRESTED FOR: 3556 - 35001 - Ecstasy - Deliver
ARREST NO: 0011410
TYPE: On-View Arrest
DATE: 5/11/2022**JUV:** N - No**DOB:** [REDACTED] 1999**AGE:** 22**SEX:** Female**RACE:** Black or African American**HGT:** 5' 7"**EYES:** Brown**WGT:** 152**HAIR:** Black**ETH:** U - Unknown**Circumstances:****SMT:****SSN:****DLN:** P4 [REDACTED] 663**DL State:** Michigan**Case Report****Reporting Officer:** Bennett, David**Page 1 of 6****Case No.** 2212501438**Printed:** May 12, 2022 - 8:53 AM
0012

GCSO - GENESEE COUNTY**SHERIFFS OFFICE****Case Report**

Case No. 2212501438

Report Date/Time: 5/11/2022 7:56:38 PM

Reporting Officer: Bennett, David

NARRATIVE:

Bennett, David - 793

5/11/2022 8:20:00 PM

On 05/22/2022 at approximately 05:00 PM, Deputy David Bennett of the Office of Genesee County Sheriff as Unit # 659 was in a fully marked patrol vehicle, assisting Sgt Rainwater with conducting a traffic stop on a reckless vehicle that left [REDACTED] in the City of Flint. Sgt Rainwater was also conducting surveillance on the address, looking for escaped inmate [REDACTED].

Sgt Rainwater gave the description on the vehicle as a white Chevy Blazer, bearing Michigan registration EQA7124. Sgt Rainwater then radioed over posse radio channel that the vehicle was driving at 60 MPH westbound Wood St, in a posted 25 MPH Zone. Sgt Rainwater then gave information of the vehicle running stop signs at MLK and Garland St, continuing westbound at a high rate of speed.

Deputy Bennett first observed the vehicle southbound Grand Traverse, in which Deputy Bennett turned on his over head lights and sirens. Deputy Bennett then observed the vehicle turn westbound 8th Ave at a high rate of speed. Deputy Bennett then observed the vehicle turn southbound onto Patrick St, all while Deputy Bennett still had his sirens and overhead lights on. Deputy Bennett then observed the vehicle stop on Patrick St, just north of 5th Ave. Deputy Bennett then observed a black male carrying a back pack exit the vehicle, walking westbound into a alley way.

Deputy Bennett then exited the patrol vehicle, making contact with the black male later indentified as Kaylin Eric Johnson. Deputy Bennett observed Johnson turn towards him, with his hands up. Deputy Bennett then escorted Johnson onto the ground, placing him into double locked handcuffs. Deputy Bennett asked Johnson what was in the back pack. Johnson gave an excited utterance of "2 guns".

Sgt. Rainwater also was on scene placing the driver into custody, indentified as [REDACTED]. P. [REDACTED] also gave a statement too Sgt. Rainwater that she seen the overhead lights, but she wanted to get Johnson out of the vehicle and hidden from patrol officers.

Deputy Bennett then opened the black pack pack, which contained another small back pack. Deputy Bennett observed inside this small back pack, 2 hand guns.

Deputy Bennett observed the first handgun as a unloaded black 9MM Glock 17, bearing serial # AFKC137 which showed registered to K. [REDACTED] M. [REDACTED]. Deputy Bennett also counted inside the extended magazine 22 9MM bullets.

Deputy Bennett observed the second gun as an unloaded black and silver 9MM Smith and Wesson SD9VE, bearing serial # FDE3004 which was per LEIN shown to be stolen out of the City of Flint. Deputy Bennett also counted inside the magazine 15 9MM bullets.

A LEIN check of Johnson also showed him not bearing a concealed weapons permit.

Deputy Bennett continued the search of the contents of the large black back pack, observing large amount of multi colored pills in separate bags, which later showed to be approximately 349 Grams. Deputy Bennett also observed a bag of a crystal like substance, which later showed to be approximate 21 grams. Deputy Bennett observed 3 more bags of a white powder substance, later showed to be approximate 15 grams. Deputy Bennett also located a large amount of cash and 1 bag of a green leafy like substance, approximate 18 grams.

The large amount of cash was later counted. Deputy Bennett was assisted by LT Preece and Deputy Duhart. Deputy Bennett counted 81 fifty dollar bills, valued at \$4050. Deputy Bennett counted another 57 fifty dollar bills, valued at \$2850. Deputy Bennett also county 25 twenty dollar bills, 2 ten dollar bills, 6 five dollar bills and 3 one dollar bills, which valued at \$553.

Deputy Bennett further observed in the back pack 2 scales and 1 unlabeled pill bottle which also contained more misc. pills.

Deputy Bennett then transported Johnson to the Genesee County Jail.

Lt Preece transported P. [REDACTED] to the Genesee County Jail.

Sgt Smith stayed on scene with the vehicle and P. [REDACTED]'s children, given over custody to P. [REDACTED]'s family.

Deputy Bennett, Deputy Duhart and Lt. Preece placed all evidence into locker 20 at the Genesee County Sheriff's Office.

Respectfully Submitted,

Case Report
Page 5 of 6

Reporting Officer: Bennett, David
Case No. 2212501438

Printed: May 12, 2022 8:53
AM 0016

- Oliver thought I was > other was looking for it
- Trust power equally
- ... was looking for trust power
- Why ... make over put me over

Fed. R. Evid. 402(b) expressly prohibits against proposing evidence of a defendant's prior bad acts or other crimes, wrongs, or acts to prove the defendant's character or propensity for crime in order to prove conduct on a particular occasion.

CS Fed. R. Evid. 702 as applied that would no more restrict jury

CS Fed. R. Evid. 402(b)

Rule 402. Test for Relevance of Evidence

Evidence is relevant if (A) - It has any tendency to prove a fact more or less probable than it would be without the evidence offered

(B) The fact is of consequence in determining the action

CS Fed. Rules Evid. Rule 402

Rule 402. Test for Relevance of Evidence

Evidence is relevant if (A) - It has any tendency to prove a fact more or less probable than it would be without the evidence offered

• The evidence stands Constitution

• a Federal Statute

• These rules go

• Other rules presented by the Supreme Court

• Evidence is not admissible

Lafayette Johnson
255 W Main St
Harrison, MI, 48625



United States District Court
(Office of the clerk)
231 W. Lafayette
Detroit, MI, 48226